

REMARKS

The claims remaining in this patent application following amendment are Claims 1, 3, and 5-19. Original Claims 2 and 4 have been cancelled, without prejudice. Claims 12-19 have been recited for the first time. Claims 1, 3 and 11 are amended. Original Claim 10 is indicated to contain patentable subject matter.

Claims 1-8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by the patent to Bixler, et al. (6,550,491). For the following reasons, this rejection is respectfully traversed, and reconsideration of the Examiner's rejection is requested.

The applicant's invention claimed herein relates to a collapsible sports enclosure including a plurality of (e.g., U-shaped) frame members that are rotatable between a generally horizontal collapsed position lying in end-to-end alignment with one another between a pair of sides when the sports enclosure is not in use to a generally vertical raised position in spaced, parallel alignment with one another so as to project above the sides when the sports enclosure is in use. It is important to recognize that a protective netting of the applicant's sports enclosure is attached to and carried by the plurality of frame members. Therefore, when the frame members are rotated to the raised position, the protective netting is correspondingly lifted by the frame members so as to extend above the first and second sides. When the frame members are rotated to the collapsed position, the protective netting is correspondingly folded by the frame members so as to rest between the first and second sides. According to a preferred embodiment of the applicant's sports enclosure, the (U-shaped) frame members are linked together by a series of coupling bars so that the frame members

will be rotated in unison to the raised position when a pulling force is applied to a cable attached thereto.

It is also important to recognize that the protective net (64) of Bixler, et al. is not attached to or carried by the frame members which form the portable structure thereof. In particular, the net of Bixler, et al. is pulled over the portable structure only after the frame members of the structure have been pulled out and unfolded. While the structure of Bixler, et al. may include cables (72 and 74), these cables are used to draw the protective net over the structure rather than to expand the structure. In the alternative, the protective net of Bixler, et al. may be manually pulled over the frame structure, once the structure is expanded (see column 5, lines 10-17 of Bixler, et al.). What is even more, the frame members of the portable structure of Bixler, et al. are not linked together and are not rotated in unison with one another between collapsed and raised positions in response to a pulling force applied to a cable. In particular, the frame members of Bixler, et al. are pulled out and unfolded one at a time, independently of each other (see, for example, column 1, lines 49-58 of Bixler, et al.).

Independent Claim 1 has been amended to recite a collapsible sports enclosure having a plurality of frame members that are pivotally coupled to first and second sides of a support base so as to be rotated relative to the support base to a raised position and a protective netting attached to and carried by the plurality of frame members so that the netting is lifted above the first and second sides of the support base when the frame members are rotated to the raised position. As indicated above, the protective net of Bixler, et al. is neither attached to nor carried by the frame members of the portable structure. Therefore, and contrary to the applicant's claimed sports enclosure, the

movement of the frame members of Bixler, et al. has no effect on the movement of the protective net. Moreover, the portable structure of Bixler, et al. does not include a plurality of frame members that are pivotally connected to first and second sides and rotated to a raised position projecting upwardly from said first and second sides for correspondingly lifting a protective netting above said first and second sides when the sports enclosure is to be used. For these reasons, Independent Claim 1, amended, is believed to be distinguishable from any reasonable interpretation of Bixler, et al. Inasmuch as Independent Claim 1, amended is believed to be patentable, Claims 3 and 5-11 which depend therefrom, are, likewise, believed to be patentable.

Independent Claim 11 has been amended to recite a collapsible sports enclosure including a support frame having a plurality of frame members that are pivotally coupled to a support base and interconnected with one another so as to be rotated in unison relative to the support base from a collapsed generally horizontal position to a raised generally vertical position when the sports enclosure is in use, and a protective netting attached to and carried by the plurality of frame members of the support frame so that said netting is lifted by the frame members above first and second sides of the support base when the frame members are rotated to the raised generally vertical position. As indicated above, the frame members of the portable structure of Bixler, et al. are unfolded independently of one another and are not interconnected with one another so as to be rotated in unison as recited by the applicant in Independent Claim 11, amended. Moreover, and as also pointed out above, the protective net of Bixler, et al. is not attached to and carried by the plurality of frame members of the support frame so as to be lifted above first and second sides of the support base when the frame members are rotated from a generally horizontal position to a generally

vertical position to place the sports enclosure in use. For these reasons, Independent Claim 11, amended, is believed to be distinguishable from any reasonable interpretation of Bixler, et al.

Claims 12-19 have been recited for the first time. New Independent Claim 12 recites a collapsible sports enclosure comprising a frame including a plurality of U-shaped frame members that are pivotally connected to first and second sides and being rotatable from a collapsed generally horizontal position between said first and second sides when the sports enclosure is not in use to a raised generally vertical position projecting upwardly from the first and second sides when the sports enclosure is in use, and a protective netting attached to and carried by the frame to be lifted above the first and second sides when the U-shaped frame members are rotated to the raised generally vertical position. As indicated above, the frame members of the portable structure of Bixler, et al. are not U-shaped frame members that are rotatable from a collapsed generally horizontal position between first and second sides (when the enclosure is not in use) to a raised generally vertical position projecting upwardly from the first and second sides (when the sports enclosure is in use).

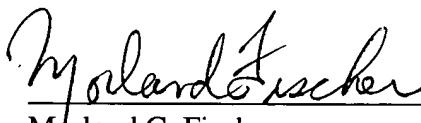
While it may be that the portable structure of Bixler, et al. has frame members that are unfolded when the sports enclosure is expanded, such frame members do not rotate from a collapsed generally horizontal position lying between first and second sides when the sports enclosure is not in use to a raised generally vertical position projecting upwardly from said first and second sides when the sports enclosure is in use in the manner recited by the applicant in new Independent Claim 12. What is more, and as has been pointed out above, the protective net of the portable structure of Bixler, et al. is not attached to and carried by the frame members to be lifted above first and second

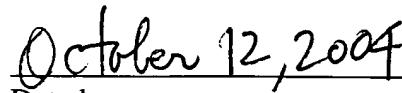
sides when the portable structure is expanded for use. For these reasons, new Independent Claim 12 is believed to be distinguishable from any reasonable interpretation of Bixler, et al. Inasmuch as Independent Claim 12 is believed to be patentable, new Claims 13-19 which depend therefrom are, likewise, believed to be patentable.

Claims 9 and 10 are rejected under 35 U.S.C. 103 as being unpatentable over the aforementioned patent to Bixler, et al. This rejection is not understood, inasmuch as paragraph 5 of the Office Action indicates that Claim 10 contains patentable subject matter. Nevertheless, Claims 9 and 10 are dependent from Independent Claim 1. Inasmuch as Independent Claim 1, amended, is believed to be patentable, Claims 9 and 10 are, likewise, believed to be patentable.

In view of the foregoing, each of Claims 1, 3, and 5-19 which appears in this patent application following amendment is believed to recite a patentable collapsible sports enclosure. Accordingly, reconsideration of the Examiner's rejection is requested and a Notice of Allowance is earnestly solicited.

Respectfully submitted,


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